

**REMARKS**

Reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1-4 are currently pending in the application and subject to examination.

In the Office Action mailed August 12, 2004, the Examiner rejected claims 1-4 under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,451,758 to Jesadanont in view of U.S. Patent No. 5,857,152 to Everett and further in view of U.S. Patent No. 6,658,392 to Yoshida. The Applicants hereby traverse the rejection, as follows.

Jesadanont discloses a toll collection system having a primary set of electronic equipment installed at each toll booth and a secondary set of electronic equipment installed on board the moving vehicle, the two sets using infrared signals as communicating means between them in the range of 30 to 60 kHz for modulation.

Everett discloses an electronic toll payment system that uses electronic purses from which a transfer of value is performed by use of a cell phone.

Yoshida discloses an automatic toll collection system for automotive vehicles with an inspecting facility that troubleshoots the in-vehicle unit when an abnormal condition in which it is impossible to collect the tolls from the in-vehicle unit correctly is encountered. The in-vehicle unit of Yoshida has a control unit that is switched from a sleep mode to an operation mode to initiate the program including diagnostic check, toll payment, and recording the status. When normal operation of the electronic toll collection (ETC) is impossible, toll payment is performed manually.

Conversely, the present invention discloses the feature of “switching between the function of the portable unit and the function of the automatic toll collection unit, according to the frequency band of the received radio wave,” as recited in claim 1. That is, according to the current invention, in the single portable terminal that is provided with the function of a portable phone unit and the function of an ETC system, the system switches between serving as a portable phone when a portable phone signal (i.e., signal in a frequency band specified for the portable phone) is received, and serving as an ETC system when an ETC signal (i.e., signal in a frequency band specified for the ETC system, which frequency band is different from that for the portable phone) is received.

It is submitted that none of the cited prior art, nor combination thereof, discloses or suggests at least the feature of “switching between the function of the portable unit and the function of the automatic toll collection unit, according to the frequency band of the received radio wave,” as recited in claim 1. Although Yoshida describes at column 4, lines 60-63 that “if a NO answer is obtained in step 204 meaning that commands other than the toll payment have been inputted into the in-vehicle unit 40, then the routine proceeds to step 209 wherein corresponding operations are performed,” Yoshida fails to indicate what “commands other than the toll payment” means. Therefore, Jesadanont, Everett and Yoshida, individually or in combination, do not teach all the elements of claim 1 of the current invention.

For at least this reason, the Applicants submit that claim 1, as amended, is allowable over the cited prior art. As claim 1 is allowable over the cited prior art, the Applicants submit that claims 2-4, which depend from allowable claim 1, are likewise allowable over the cited prior art.

For all of the above reasons, it is respectfully submitted that the claims now pending patentability distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300, referring to client-matter number 108287-00008.

Respectfully submitted,

Arent Fox PLLC

A handwritten signature in black ink, appearing to read 'Juliana Haydoutova', is written over the printed name.

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